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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In the Matter of

Amendment of Part 90 of the)
Commission's Rules To Provide)
for the Use of the 220-222 MHz Band)
by the Private Land Mobile)
Radio Service)

PR Docket No. 89-552

Implementation of Sections 3(n) and 332)
of the Communications Act)

GN Docket No. 93-252

Regulatory Treatment of Mobile Services)

COMMENTS OF US MOBILCOMM, INC.

US MobilComm, Inc. ("USMC"), by its attorneys and pursuant to Section 1.429(f) of the Commission's rules, hereby submits its comments in support of the "Petition for Reconsideration and Request for Clarification" (the "Petition") submitted by American Mobile Telecommunications Association, Inc. ("AMTA") on March 4, 1996 in the captioned proceeding. In particular, USMC supports pages 6-7 of AMTA's Petition, which proposes that the modification filing window, which is now open until May 1, 1996, include modifications at the originally licensed location that do not involve any need for relocation.

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I. Background

1. USMC and its affiliated companies began operations in early 1993 with a goal of building and operating major market wireless voice and data networks of commercial trunked five-channel 220 MHz systems (the "Network"). The Network consists of individual owned, licensed, and controlled systems whose licensees have come together under USMC's common management umbrella.

2. To date, 220 MHz systems owned and/or managed by USMC have been constructed and are being managed by USMC in the metropolitan areas of Boston, Philadelphia, New York City, Baltimore/Washington, Miami and Milwaukee. In addition, licensees of 220 MHz systems managed by USMC have filed notices of intention to modify and are in the process of preparing FCC Forms 600 for authorization to modify their licenses in those cities as well as in Chicago, Hartford, Minneapolis and Sacramento. USMC believes that it currently manages more 220 MHz licenses in the major markets on the East Coast than any other 220 MHz management company.

3. USMC and its counsel have worked with the FCC and AMTA extensively over the past two years in an effort to develop licensing guidelines which would be consistent with the goals of the Commission while allowing the 220 MHz industry the flexibility that it needs to develop into the high quality wireless telecommunications service provider it has the potential to become. These efforts have included numerous meetings among senior staff members of the Wireless Telecommunications Bureau and USMC principals and its counsel, as well as the filing of numerous comments by USMC in this proceeding.

II. The Commission Should Allow Modifications That Do Not Involve Relocation

4. In the *Second Report and Order*, the Commission adopted rules to allow existing licenses to file for relocation modifications of their licenses on or before May 1, 1996, provided that they notified the Commission of their intent to do so on or before March 11, 1996. See 47 CFR §§90.751, 90.753 and 90.755. Under the rules adopted, if a licensee files an application to relocate within the permissible relocation distances, it can apply for any other changes to its operating parameters at the new location, provided that it does not exceed the height and power limits set out in the Commission's rules. 47 CFR §90.729. USMC supports these new rules because they give the licensees the flexibility they need to relocate from sites that are no longer available or that are not optimal. Many of the licenses managed by USMC are being relocated in conformance with these rules.

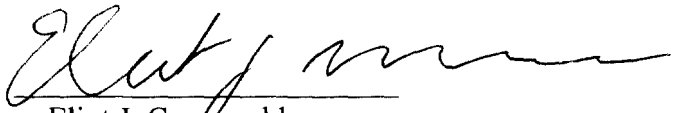
5. However, the rules as written lead to an unintended absurd result. If a licensee relocates its station across the street, it can file a relocation application in conformance with the new rules, and in so doing, it can make changes in other parameters, such as antenna height and power, so long as it complies with 47 CFR §90.729. This makes sense, because the co-channel separation distances are based on the maximum permissible height and power limits, and any change within the limits will not cause harmful interference to other co-channel stations. On the other hand, the modification window rules do not permit a licensee that stays at its original location to make changes in height and power. USMC manages several licenses that are at good locations, and thus there is no need to relocate. However, changes to the height and power operating parameters need to be made in order to be able to provide better service. It makes little sense for the rules to force a relocation so that these other modifications can be made.

Conclusion

In view of the foregoing, US MobilComm, Inc. supports the proposal at pages 6-7 of AMTA's Petition, that would allow for modifications during the modification filing window that do not involve a need to relocate.

Respectfully submitted,

US MOBILCOMM, INC.

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CERTIFICATE OF SERVICE

I, Penny Jackson, do hereby certify that I have this 1st day of April, 1996, mailed by first-class United States mail, postage prepaid, copies of the foregoing "**COMMENTS OF US MOBILCOMM, INC.**" to the following:

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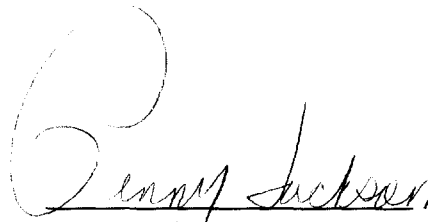
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